

**PRATT LAKE LEVEL AUTHORITY BOARD**  
**Special Meeting Minutes**  
**Held at Gladwin County Recreation Area Building**  
**May 14, 2022**

Meeting called to order by Terry Walters at 9:34am.

Present: Terry Walters, Ron Taylor, Renee Zelt, Chris Meissner

Absent: Kent Crawford

Also Present: Stacy Hisson, Fahey Schultz Burzych Rhodes, Kyle O'Meara Fahey Schultz Burzych Rhodes, Amanda Anderson Fahey Schultz Burzych Rhodes, Warren Miller Spicer Group, Shawn Middleton Spicer Group, and Lucy Zeestraten Gladwin County Deputy Drain Commissioner.

Everyone presents on the board and from Fahey Schultz Burzych Rhodes and Spicer Group introduced themselves.

Terry did roll call attendance.

Stacy Hisson summarized the current project and special assessment. Stacy explained the process. We have a copy of the assessment roll and computation of cost that will be before the board for approval after the hearing. That's a requirement under Part 307 of the Drain Code. When you are doing a project, you mail notices to everyone that is in the special assessment district and have a hearing. Stacy further explains that they can appeal their assessment. You must be present and protest in writing to do that. You must have your name on the sign in sheet to have the opportunity to appeal. If you don't have your name on the sign in list, then you don't have the opportunity. Will be presented to the Board of Commissioners for approval on May 24, 2022. After that you have 15 days to appeal your assessment.

Stacy turns it over to Warren and Shawn from Spicer Group to explain the actual project. Warren has a Power Point to help explain. Warren goes on to explain the project description existing and proposed. He explains that the metal culvert is in very poor condition. Warren further explains what the Drain Commissioner had to do to keep water in the lake after the previous Drain Commissioner took the Wier out of Foran Drain. Warren continues to explain what would have to happen to put the Wier back in Foran Drain. It would be an environmental nightmare to do so, so it has been eliminated from the scope. Warren shows a drawing of the new structure being place in the road right away. It will be a new culvert made from concrete. Warren also explains why the flap gate was added to the Foran Drain side of the culvert. The structure will not allow water back into the lake. It will maintenance the normal lake level. It is not permitted by EGLE to set the structure at the higher level 852.3. EGLE wants it the normal lake level 851.4. Public question "What is the current lake level?" Terry L. Walters comments that its 6 to 8" lower then the 851.4. Chris Meissner comments that the lake is at 851.0 as of right now. Warren explains that an augmentation well can be added but is not part of this project.

Shawn lets them know that the lake has a small watershed. When the water is heavy in the spring it will allow the water to come up in the spring but will not allow people to get flooded out. There is nothing we can do. EGLE isn't going to allow water to be diverted in the lake. We do feel we can look at augmentation as an option. That is something we can look at in the future but is not part of this project. The elevation is driving by the court order. Its set.

Public comments that if we can't get water into the lake then we can change it all we want, and it won't make a difference. Stacy comments that this structure will take care of the lake level if we get a storm, it will take it

down to that level. If the lake property owners are interested in an augmentation well to keep that level up outside of mother nature. That project will be separate from this project. Stacy lets them know we don't have to wait to for this project to paid for to start the permit process if that is what you want to do. Let the board know during public comment if you're interested in spending more money to moving forward to look at an augmentation well. It takes a lot of time on an engineering and the EGLE permitting. Stacy stated to please make it part of your public comment if your interested in doing a study on the augmentation well. Question for the public. What's that structure on the north side of the road? Was that a permanent established court ordered elevation level? Stacy stated that the EGLE permitting requirements is that the culvert is set at the lake level and does not allow water to be high in the spring and lower in the summer and doesn't allow water to be diverted from the drain into the lake. The reason for the structure is so the water doesn't get too high. Renee Zelt asked if the lake is leaking right now. Terry said no. Stacy does inform the public that it's not inexpensive to do the engineering, get the permit, put the wells in, and have electric to run the wells. The board will want to know if the property owners are interested in them looking int o it. Warren continues to say it a county road and culvert. The culvert in very poor shape. The road commission has a stake in this culvert as well. The road commission agrees to install the culvert and use their equipment and they are going to pay for the sand and the gravel. All the work will be done in the road right away. Spicer Group will be there to make sure the elevation is in the right place for Part 307. It will be staked out and the surveyor will be there to observe it and monitor it and put a benchmark there, so it put in at the right elevation. Depending on the road commissions schedule we hoping to have this done in July. It should be done very quick instillation. They flap gate might have to be installed after due to a supply issue. Warren summarized the cost of the project. If there is money after the project is paid for then that can be used for a study. Warren explained the mythology of the assessment roll and the assessments were determined. Warren tells them that they can prepay and save on the interest and the process in doing so. Stacy states that we haven't obtained a bond yet so we don't know what the interest charge will be. Stacy also states that Lucy must receive the prepays by June 10<sup>th</sup> so we know exactly what the drain office has collected and how much we need to borrow. If you prepay it will not be on your tax bill.

#### Public Comment:

Richard Salters – Asked how the structure will work. Shawn explained how the structure will work.

R.G. Marossy – Regards to the flap gate I understand that it will prevent water from into the lake from the drain? Warren states correct. There was some confusion on the frequently asked question flyer regarding costs are incurred for the maintenance of the lake. Could we put in an augmentation well without the public input? Stacy answered by saying no we do not need a petition from the property owners to do that. Once the lake level is approved the county commissioners must approve any expenditures over \$10,000.00. The Lake Level board would have to approve it. Yes, that could happen without a petition or a vote. Stacy further explains. Renee Zelt comments that there are members on the board that do feel they have a say and should be at the meeting. We do care what you think. Renee also commented that it could be a good thing and we could also drain the lake or lose some wells on the lake. Someone commented that an augmentation well doesn't make sense to him.

Ron Taylor comments as you well know as the County Commissioner as I ran for. I inherited this position, and I didn't know anything about lakes or dams. As I came to this meeting my words to Terry this morning that if the majority of you don't want to do this project and its your money. I will vote against it. If you want to do it, I will vote for it and I will do the same thing with the augmentation well. We would first gather the engineer to find out what the cost would be and have a meeting to bring it back to the property owners.

Renee states we would need to know the pro and the cons.

Stacy asks the chair if we can have Shawn explain what a feasibility study would look like before we move forward to answer any questions that someone might have on an augmentation well. Shawn explains the first

thing that will need to be done is what is the rates to raise the level. These rates would be looked at in August. Then we look at how fast do we need to pump water to raise the level, is it a day or over a week. The key is what can the aquifer delivery that won't impact the homes. These are what needs to address in a feasibility study. Big part is the EGLE permit and what is allowed and what can happen practically. What we need to do is a drawn down study test. We would work with a company to go find existing wells or put temporary wells in. Then we would do a draw down test on the aquifer. They would pump water out of the aquifer and keep track of rate and monitoring the rate around it with this conga depression. This will indicate how this aquifer and handle the impacts of the well in the futures. The other part of the process is what would it cost to drill and permanently put it in. Did we want controls on it that would automatically turn the well on and off according to levels of the lake. What is the cost to run it? This would all be part of that study and we find out after talking the EGLE and doing the draw down test that it just can't be done, or we can do it and its going to cost X amount to put it in the ground and Y to operate it to infinity. Then the board has the information to decide. Ron Taylor asks what would the study cost to get to that point? Shawn feels that their part would be \$5,000.00 to \$10,000.00 range but doesn't know what the draw down part would be. Shawn would need to talk to some well companies. Ron asked that to commit we would be \$20,000.00 to \$30,000.00 to do the test. Shawn says to could be less. Renee stated that this was looked at a few years ago and she thought the cost was around \$500,000.00. Shawn had one of the engineers look and he went to a 16 inch well 100 ft deep. That's a big well. Not sure if we would have to go that big but that's what the study is for. There was discussion with board and Shawn doesn't what to give any numbers currently. Ron Taylor stated Billings Twp and Secord Twp each did 8" wells and 500ft deep for about \$30,000.00 each after the dams failed for firetrucks. The property owners need to know if they want the study done it will cost some money.

Terry Gifford – Requested that the be more specification on who they are talking about. Instead of they, us, them, use board, property owners etc. Is there any other way to get water in? The lake has springs and could they be plugged. Can new springs be found and open the up? Shawn states that it can be investigated but not as simple as it sounds. Is there a connection between the springs in the lake and the wells? If they find a spring is there pressure to drive the spring into the lake? Can the water be trapped and held for a later time? Shawn states it can but has a lot of dollar signs? In the literature it talks about maintaining the lake level. Who will over see the maintenance? Stacy answers that this board is the delegated authority. The board will do that, and the work maintain means by setting the culvert at the normal lake level, and with out an augmentation well there is no maintaining the normal level. With enough money things can happen and the property owners need to assist the board in letting them know what they want.

Craig Mills – 1<sup>st</sup> think when we talk about maintaining, when they got the court order to put the weir and all its stuff in the 80's. It was to maintain the lake level by putting water back into the lake and let it out when it was high. If you aren't putting it back in, then you aren't maintaining it at all. Stacy stated that's not what the court order says, and we must meet EGLE's permitting. With EGLE permitting is not allowing us to put water back onto the lake from the drain. Criag states the court order says to use the weir to put water back in the lake. Stacy corrects him in stating the court order doesn't talk about that. The order itself, sets the level. It does not say to put water back in. You need to get an EGLE permit to do that, and you won't get an EGLE permit to do that. Craig also stated that he talked to the road commission, and they said they were putting the tube in by the board hired them. They are not doing it for free. Stacy stated that there is an agreement between the road commission and the drainage board for a cost share of the project. Craig continues that he's worried about wells going dry with the augmentation well. Shawn reexplains that's why we would do the study.

Marv Holler - That we need to get water in the lake other than nature. We need the system that was in before. It worked. It was permitted by them, and it worked for 20yrs. We just must maintain it, that's all. They allowed it and now we must spend money to replace it. Why do we have to reinvent the wheel? I don't understand here.

Kathy Mills – If we don't do this now, we won't have a lake. Its already eroding around the temporary structure that's there. So, do you want a lake or don't?

Robin Hanel – What I'm confused on what was established worked and a legally appointed trustee took what was working out with no concern to the lake owners. Then the board says this is how we are going to fix it. You originally tried to let us keep water to coming in, till EGLE came in and said no we can't keep doing that. So that why the flap thing was added. How much power does EGLE have? Do we have any way to argue with EGLE? Stacy states EGLE was the DEQ. Now you are required to get a permit on any type of these projects. They have certain conditions to take to do activities. Shawn comments that they have anemone authority. We can't build it without a permit. Who governs EGLE? The governs department and there is a process to appeal that determination. That takes considerable time. So, if we said we wanted to appeal that, this structure would not be done this year. Could the flap be used 3 months out of the year and put back on 9 months out of the year? We must follow EGLE requirements. There is a concern with the separation of drain water and lake water. There is a lot of concern about one water being pasted to a different water. In terms of invasive species, plants, different types of run off. Shawn adds the runoff that happens on an agricultural drain, they just don't want the settlement in the lakes. Robin says anymore, even though they did it for 40yrs. Shawn states they were very clear that they didn't want that happening here. Terry states that we've had violations in the past with the drains in the south. They were charging us \$5,000.00 a day. Then we ended up with million of dollars in debit. We ended up settling with DEQ because of the violation on those drains. Every week we must talk to the AG with any projects we have to do. They got their hand right on top of you. Robin wants to fit EGLE on the discussion and Stacy says it would be throwing good money after bad and prevent the project getting done this year.

Tom Collins – Don't you have power over the lake? Stacy states that we are getting permits under Part 301 inland lakes and streams. Part 303 wetlands and the legal lake level act. Its all being reviewed under those Parts.

Steve Haddix – We would good all these years on the lake level. Now the previous Drain Commissioner pulled the weir out. Now we are on the hook to repair it. Why aren't they on the hook? They own the drain and the ditches. Shawn states that there are 2 structures that controls the lake level. Theres one in the road. That's the Part 307. Someone stated there isn't a control structure. Shawn agrees that there was one in the Foran Drain that was removed. There is also one in the road and at end of that there is a legal lake level control structure. That has failed and is under lake level district. That is getting replaced. The road commission is putting the culvert in, and they don't have to put the weir back in. That's not part of their deal. They don't have to put the weir in. Stacy states that the structure that's getting replace is failing. It is the lake level control structure and it's the lake level district to take care of that. Technically the road commission could say we don't have to do any of this, but they are cost sharing with us. Someone asked if we did a study on it failing or did, we just say its failing? Stacy states that it literary failed.

Norm Koloski – What you are looking at here is we need to it because we are losing water. The water we are losing is important to us. It's not going to solve the problem from the previous Drain Commissioner removing the weir. That feed water into the lake and keep the lake deep and at a decent level. I think Terry said the lake was down 8 to 10". This is spring and where do you think it will be in August? Our boats will be bouncing off the bottom of the lake. Do we want our lake to what it was 10 yrs. ago? It was a beautiful lake. I had to add 10ft of dock, so my boat won't hit the bottom lake. We are talking \$72.00 a year. Big deal, you have property on a dam lake. Which is very valuable, weather you sell it or not. Stop arguing over the \$72.00. We have to stop the leaking. Someone needs to look into why it was legal before to put water into the lake and who says its not legal now. Someone commented that EGLE says its not legal now. Norm says maybe we need to test them a little bit. We need to test them with an attorney that knows what he's talking about and not some pole duck from who knows where. We might have to spend some money.

Karl Betke – Pass

Brenda Mattson – She agrees with Robin and Craig about the maintenance level. If we set the level at 851.4, we will not have water in August. This is not solving our problem. I think there is something that we can approve to maintain that level.

JoAnn Clifford – I feel the same way. We should be able to raise the level higher until it gets to a decent level and then it evaporates. Mother nature is going to make it evaporate. Now you're dealing with mother nature and it's out of your control. Let it be higher and see what happens. We don't have to jump and do surveys. Get the level higher in the spring and work from there. Stacy states so let's be clear. There is a lake level and there is also a court order appeals of option that also says you must get permitted. The permitting is at the lake level. The only way to maintain that level all year long is to get an augmentation well. If we can get the permitting done. Again, it was said that it not permissible to get the level higher. EGLE will NOT allow the level to be higher.

Greg Thomas – First of all this project will help maintain the level, right? The current weir as it stands is failing. That is allowing water to out flow from the lake, correct? Terry states correct. We put in new pipe, new weir will stop water from leaving the lake and maintain the level, correct? Terry states correct. How do you stop the water from leaving the lake during construction? Shawn states that they will coffer dam it right off. It will just be dammed up so water can't leave the lake. Hoping the project will be done in a couple of days.

Nancy Youngerman – Thank you for all your information and we agree \$72.00 a year is not that much to fix that problem. My only issue right now is that a couple of years ago that person let all that water out. If that hadn't happened, then most of us wouldn't be complaining right now. I just wish that the lake level was being address right now. You say mother nature is controlling it right now, but it wasn't mother nature controlling that and now we can't get the water back without an augmentation well. Someone else should be paying that because someone else caused it.

Gus Anderson – Why is that the structure your putting under the road has to be engineered that way? In my experience why can't you put a tube. The county road commission has no authority other than maintain county roads. They have to be permitted because the road commission now assumes liability. This is an engineered to allow water to go out to maintain the set lake level per court order. It could be simplified for less money because this comes out after the augmentation well. Get whatever the speck the county would require and just put your flip gate on it. It would cost way less money and it will operate the same way. Shawn answers his question we have a flap gate that on it. Basically, we are just putting a concrete culvert with end sections and the weir is some concrete across the opening of it. Gus – How much is the construction itself? I'm talking the total cost. Warren answers it roughly \$54,000.00 the road commission is doing all that and if we had a private contractor out there would add to the \$54. How much will it cost to clean the ditch? We are not cleaning the ditch. There is a court order to maintain the lake level at a certain level. You are setting it at that elevation so the lake will not go over legal lake level.

Tim Briggs – I know we have to do something and I'm willing to do a survey to do an augmentation well. Put it on my property. I am willing to do that if the survey says it can go there. I was willing to do that on my own. I haven't been able to put my pontoon in for 2 years. I am willing to do whatever it takes. I will donate my property to put in an augmentation well if that is what it will take.

Mark Grennell – Pass

Anne Kusch – You already answered my questions. Thank you very much.

Karl Kramer – Pass

Shelley Watrous – Pass

Jon Curtis – My lawyer sent the Higgins Lake to you guys. Right Stacy? Yes. That was our biggest thing. All I wanted was not to be flooded. Control the lake level without flooding us. This is what happened and is out of our hands. Last year wherever we sat, whatever these guys did or come up with we would figure it out. I will have to go with what they figured out. Do I have to agree with it, no I'm with you guys. Because I'm going to tell you a little secret. This channel everyone is talking about. The borrow pit, it is deed on me. It was dug in 1941. That lake was here before the borrow pit was dug. The problem is it was 2 lakes. If we don't do something, we will have 2 lakes again. Shawn, you can't guarantee it. There's not enough water shed with the property around the lake, hence that's why they used Foran Drain. Issue with the Foran Drain is it's in a different district than what our lake is in. That's a separate issue with it all alone with using Atwater. I'm sorry to say eventually what happened was going to happen. EGLE has changed a lot of their policies and I'm finding that out. Terry is finding out; everyone is finding this out. I think that the dam EGLE would say that thing has to go or stop the water from going to the lake. Whether you wanted to or not it was bound to happen eventually. Just by looking at how EGLE is going with that with Atwater. So, we have to put that aside, but you have to remember that the draining we are talking about is Foran Drain is in a different district. I pay for it, but you folks don't pay for that drain. So, that's a separate ending that's kind of what they are looking at. Again, Craig can remember all these old timers that have been here for forever. I'm young compared to those old timers. I'm 52, I've been here my whole life. I remember the sand bar sticking up. There's a lot of people that do. I remember why the channel was dug because my uncle was on the marine patrol so they wouldn't have to pull boats from one lake to the other because there were two lakes. They didn't mean to do it but when they dug the borrow pit, they actually put water from the Foran Drain into the lake. It naturally happened. No one did it on purpose, it naturally happened. Right now, we are paying, and I hate to say this but if we don't put wells, we don't do something. We are going to go back to pre-41. Everyone thinks it's bad timing. I seen a comment last night. I hemorrhoid that won't go away. I'm doing the same thing you folks are doing. My dad was doing the same thing you folks are doing. It's impacting our property. Why is it different? I have been trying to work to get this done because I knew if this came open, I knew if Bob pulled it out, I knew what was going to happen. Shawn said last year if it comes out it's not going back in. It was too much of a problem to get back in the 80's. So, if we don't work with these people now, you won't have 1 lake. You'll have 2 lakes and if you think that's what I want, I don't want that. And for the guy that says he hasn't been able to put a boat in for 2 yrs. I haven't been able to put a boat in for 25. We used pontoons. As kids we would fish off that channel. My dad allowed them. He didn't care. But now we haven't had lake front property forever. We got flooded out. For almost 27 years, I accepted that. Until a man walked into my house 2 years ago and said we are going to condemn your property. Why do you think that is? When you have a guy come to you and say I'm going to take your property. Then you see the paperwork that says that it was owned by the lake. He says he owned it. The DEQ. You guys have to understand I have to protect. You know what really irritates me. I'm not mad at you guys, I have no ill feeling towards you guys. Sounds like you have ill feels towards me and my family. You guys have to remember for me to go get a lawyer, you guys have big money. I have paid a pile of money every time I talk to my lawyer. Because right here, I have got to have a lawyer. I'm sorry I'm not an engineer. I have to deal with them people. That's how it works. I'm just saying if we don't go something were going back to lakes.

Terry adds that we have to take care of the problem we have. We have to move forward.

Renee adds that Jon and Tracy have made it clear to the board that they don't want to lower the lake level either. There issue is to save the property they have because they didn't want it to flood. Brimming was brought up at one point. They don't want to lose their land, but they also don't want to lose this lake. I just want to make it clear they do not want the water lowered.

Donald Billingham – I filled out a card but was skipped. I have the property on the other side of the channel. I own the property that somebody in this room used to own. I own the property that person put that structure in the Foran Drain. I have seen on a daily basis how badly that system was maintained. It has completely failed. We have property down south and special assessments to maintain the lake. You want to be on the lake you have to pay otherwise go out in the woods. I am for not letting water from the Foran Drain into the lake. It has no place to be the ecosystem of the lake. There have been studies that it affects all wildlife of the lake. When you get contaminated water from the drain, runoff. The chemicals they use, the manure. That's what's been coming in the lake. I'm with you on the augmentation well. If it can be done use my property. If you think I want the lake low your wrong. We are in the highest tax bracket. We own over 100ft of lake front. Has anyone thought about? We love the loons. I can sit on my dock want to watch the loons. I can see their nest from my dock. Has there been thought to clean out the cattails at the mouth there? I can walk across it. Because the structure has failed the water is going down to Jon's property, going down to my property. 75ft of my lake front I can't use. It just a natural dam. Has any thought been done to cleaning that? Terry answers that we have looked at cleaning that. The channel up to the Curtis property. We have looked at and are looking at all the options. The wells, everything. The main thing is we have to shut the water down right now. I agree because they could get their speed boat in from the middle of July and the rest of the summer. The dams received 200 million for the dams. Is there something from the state we could use? Stacy commented that we have looked at that a lot. There is going to be other monies available to other water control structures in the state. That has not gone through the legislature yet and the lie is VERY VERY long for that. For proposes of this project no. This project is going to happen before they figure it out. For future projects that may be possible. We have to wait and see what the budget and requirements are going to be. Public comments they agree something has to be done. This project is way different from what was presented a year or so ago. Which was going to be a natural spill way up near the mouth. I'm ok with this, just anything to stop the water from going out. I really feel we need to look at augmentation wells. We don't have enough run off. Terry comments that we have even looked at explosives to open the springs up. That probably not going to happen.

Mrs. Neally – I came today because I thought we were going to talk about the weir. We all know what happened to the weir. It was controlled by a man. When you think about it, we have past that day in age. We need something that is automatic, like what you are presenting us. Like mother nature takes its course. All have us that have been here for a long time know this has happened before. We didn't have a weir that was oozing. Let's fix it. I don't think we need to talk about pumping in of water. Today we do need a weir, period.

Diane Anderson – When I was a little kid 4 or 5 years old playing on the lake shore. We probably had 20ft of sand beach. That was the natural. We are trying to do now is artificially fill the lake. Think about it. We have increased the water in the lake artificially for many, many, many years. Every time we had a dry spring, dry summer, low snow in the winter we going to have a low lake.

Someone commented that they couldn't see their seawall because the water would come over the seawall. A lot of people were happy with the level. That is not the normal. The normal level is to have a nice beach out front. Those people on the canals, those canals weren't built with the forethought of what if? That we are running into right now. So, they got caught with the DEQ (EGLE). She feels that no one at that time in the DEQ had any brains at all like they do now. If you're going to dig a canal what if? This lake is a natural lake. It fluctuates up and fluctuates down without any help from at all. We artificially fluctuation the water. Personal I don't care what you do, its not doing to be perfect and not everyone is going to be happy.

Public Comment is closed.

Questions from the board? Ron Taylor says he's going to do something that he said he was going to do.

Everyone here from the lake are in favor of moving forward with this project raise your hands. Almost everyone raised their hands. How many are opposed? A couple hands were raised. Ron motion that we go ahead with the project. Stacy stated that the motion should be to approve the project cost and to approve the proposed assessment roll. Chris Meissner 2nds. Roll call vote. Motion carried.

Motion to adjourn by Terry Walters

Meeting adjourned at 10:07 AM.

Stacy announces that the assessment roll will be presented to the Board of Commissioner June 24,2022. Once approved Lucy can state to take prepaids on June 25, 2022. Call Lucy and she can give you the amount of your pay off.